

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

STEPHEN JOHN ALVELO,

Plaintiff,

v.

407CV099

CHATHAM COUNTY JAIL,

Defendant.

ORDER

This Court dismissed 42 U.S.C. § 1983 plaintiff Stephen John Alvelo's medical-care case against the Chatham County Jail because the jail is not a party capable of being sued under F.R.Civ.P. 17(b). Doc. ## 7, 10, 11. Prior to entering judgment adopting the Magistrate Judge's Report and Recommendation (R&R) advising that result, Alvelo moved the Court to add "Administrator MacArthur Holmes" to this case. Doc. # 9. That motion is technically still pending. Since this Court entered judgment, Alvelo has appealed, doc. # 12, and now moves for leave to appeal *in forma pauperis* (IFP). Doc. ## 13-14. To succeed, he need not show that he will prevail on appeal, only "that a reasonable person could suppose that the appeal has some merit." *Walker v. O'Brien*, 216 F.3d 626, 632 (7th Cir. 2000).

The Court **DENIES** plaintiff's motion to amend (doc. # 9), as he simply names a name without presenting any linkage. It is not enough to simply name an administrator without also alleging, for example, that he had knowledge of an alleged serious medical needs deprivation and was deliberately indifferent to it.

The Court also **DENIES** plaintiff's IFP motion (doc. ## 13-14), as he cites to nothing showing the F.R.Civ.P. 61-level prejudice needed to demonstrate the good faith 28 U.S.C. § 1915(a)(3)/F.R.App.P. 24(a) demands. See

Hamilton v. Downs, 68 F.Supp.2d 1380, 1382-83 (S.D.Ga. 1999). Indeed, Alvelo presents no issues on appeal, and nothing from his prior filings leaps out at the Court on that score.

This 7 day of November, 2007.

B. Avant Edensfield
B. AVANT EDENFIELD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.
CLERK
SO. DIST. OF GA.
[Signature]
2007 NOV - 7 AM 9:51